

United States Department of Justice  
United States Attorney's Office  
Eastern District of Virginia

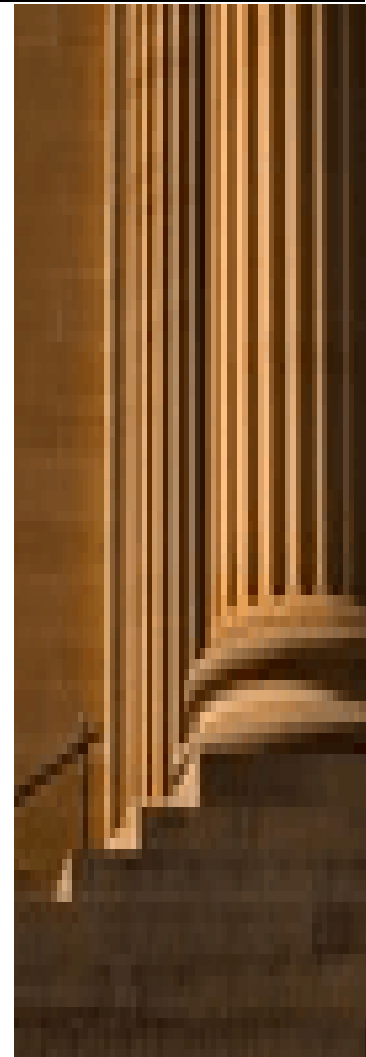


# COMING TO COURT

## General Resource Guide

Provided by:

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We provide some general information to assist you with your court appearance as most people are not familiar with courtrooms and court proceedings. We have also included general information about travel, witness fees and reimbursements, sentencings and the role of the Victim-Witness Coordinator. We hope this information will answer any questions you may have and make you more comfortable with the process.

### **GENERAL INFORMATION GUIDE**

- Grand Jury
- Trials
- Testifying at Trial or Grand Jury
- Travel Arrangements
- Witness Fees and Reimbursements
- Procedure for Receiving Reimbursement for Travel Expenses

## GRAND JURY

**WHERE:** All federal grand jury proceedings are conducted at the United States Courthouse in a designated grand jury room.

**WHO:** Unlike trials, the only people permitted in the grand jury room are the court reporter, the grand jurors, the Assistant United States Attorney assisting the grand jury with its investigation and the witness who is testifying.

**HOW:** The grand jury is made up of citizens who hear evidence on a criminal case and decide if there is probable cause to believe that a crime has been committed. If the grand jury so finds, the grand jury returns an indictment which is the formal instrument charging a person with a particular crime(s). The grand jury does not decide guilt or innocence. Grand jury proceedings are secret.

## TRIALS

**WHERE:** All federal trials are conducted at the United States District Courthouse with a United States District Court Judge presiding.

**WHO:** The judge, jury, court reporter, courtroom deputy, defendant(s), defense attorney(s), prosecutor, the witness and court security officer are all in the courtroom during the trial. Spectators, including representatives of the media, are allowed in the courtroom. Cameras are not allowed in federal court.

**HOW:** Trials begin with an opening statement by the prosecution. The defense may or may not make an opening statement. At the conclusion of opening statements, the prosecution presents its case. The presentation includes introducing physical evidence and testimony by witnesses into the record.

After the prosecution finishes presenting its evidence, the Government “rests” its case. Although not required, the defense may present evidence and testimony. A defendant has no obligation to present any evidence since the burden of proof is on the prosecution to prove its case beyond a reasonable doubt.

Once the defense rests, or at the close of the prosecution’s case if the defense presents no evidence, the prosecution presents a closing argument to the jury which summarizes the testimony heard, the evidence presented and why the prosecution believes it proved its case beyond a reasonable doubt. Then the defense makes its closing argument. The prosecution is allowed a rebuttal closing argument to clarify any points the defense raised during its closing. The judge then instructs the jurors on the law and their duties as jurors. The jury deliberates in the jury room. It is hard to predict how long deliberations will take. Once a decision has been made, the jury returns and the verdict is announced in the courtroom.

## **TESTIFYING AT TRIAL OR GRAND JURY**

### **Q. What if the defendant's attorney or investigator asks to talk to me?**

It is your decision. You are not obligated to speak with anyone and it is exclusively your decision as to whether you discuss the case prior to trial. If you elect to speak with a defense attorney and/or investigator, do not hesitate to ask for identification and the name of the person the attorney and/or investigator represents.

### **Q. What will happen if I fail to appear in court?**

If you have been served with a subpoena and you fail to appear in court, you may be cited for contempt of court. A warrant for your arrest could be issued.

### **Q. Where do I go to testify?**

Your subpoena will indicate where and when the proceeding will take place. As the court date approaches, you will be contacted by either the prosecutor, Victim-Witness Coordinator or case agent. If you have not spoken to the prosecutor or the case agent, you should call prior to your court appearance to ensure that the event has not been rescheduled or cancelled.

### **Q. How long will I be in court?**

While it is impossible to predict how long you will actually testify, every effort is made to get witnesses on and off the stand as quickly as possible. It is important to arrange your schedule to permit maximum flexibility. You may have to wait to testify for several hours or more. Therefore, you may want to bring reading materials. Electronic equipment, such as lap top computers, are not permitted in the courthouse for security reasons.

### **Q. Where will I wait to testify?**

Special waiting rooms have been designated within the United States Attorney's Office and near the courtroom.

### **Q. Will I be meeting with the Assistant United States Attorney prior to testifying?**

Whether you are testifying in grand jury or at trial, you will likely be asked prior to testifying to meet with the Assistant United States Attorney assigned to the case. Pre-testimony preparation is often helpful to witnesses and prosecutors, and increases the efficiency of court proceedings. However, you are not obligated to agree to such a meeting, and it is exclusively your decision as to whether to discuss your testimony with the prosecutor before your court appearance. If you do agree to a meeting, the Assistant United States Attorney will go over the subject matter of your testimony and answer any questions you have about testifying or about the court proceedings.

**Q. What should I do with my children?**

Courtrooms and grand jury are not a place for children. Therefore, try to find a relative, friend, or neighbor to care for your children. Remember to make sure the person is flexible since you will not know when you will be done testifying.

**Q. What about my employer?**

We can provide you with a letter to give to your employer at the completion of your testimony, if necessary.

**Q. What if I am threatened or harassed by the defendant or others?**

Threatening or intimidating a witness is a separate federal crime. In emergency situations, call the police immediately.

**TRAVEL ARRANGEMENTS**

If you are an out-of-town witness, you should contact the Victim-Witness Coordinator so travel and lodging arrangements may be made for you.

**A. AIRLINE TICKETS**

The tickets will be under your name at the designated airline ticket counter. You will need to show current photo identification.

**B. HOTEL ACCOMMODATIONS**

If it is necessary for you to remain away from home overnight, the Victim-Witness Coordinator will make the necessary hotel reservation. The hotel will bill the United States Attorney's Office for the room only. You are responsible for any incidental expenses.

**C. OTHER TRANSPORTATION**

If you take a taxi to the airport, keep your receipts and you will be reimbursed. If you drive, you will be reimbursed round-trip mileage at a per mile rate determined by the General Services Administration up to the cost of coach airfare, whichever is less. Rental cars cannot be reimbursed.

**D. SPECIAL CONCERNS**

If you have any special travel concerns, or need special assistance, please let the Victim-Witness Coordinator know as soon as possible so that she may make the necessary arrangements.

## **WITNESS FEES AND REIMBURSEMENTS**

Grand jury and trial witnesses are entitled to the following reimbursements.

### **1. Witness Fee**

You will receive \$40 for each day you are required to be in court or to attend a pre-trial meeting with the Assistant United States Attorney (this includes travel days for out-of-town witnesses).

### **2. Transportation**

Local witnesses are reimbursed round trip mileage at a rate determined by the General Services Administration. Out-of-town witnesses are reimbursed round trip mileage to and from the airport or the cost of public transportation when the proper receipt is provided. Rental cars cannot be reimbursed.

### **3. Meal Allowance**

If your travel requires an overnight stay, you are entitled to a standard meal allowance. No receipts are required.

## **PROCEDURES FOR RECEIVING REIMBURSEMENT FOR TRAVEL EXPENSES**

1. The Victim-Witness Coordinator will assist you with a Witness Attendance Voucher.
2. The U.S. Marshals Service is the entity that actually reimburses witnesses. A check will be mailed to the address provided on the Witness Attendance Voucher in approximately four weeks.